

**U. S. District Court
Western District of Arkansas (Harrison)
CIVIL DOCKET FOR CASE #: 3:11-cv-03057-PKH**

Stebbins v. Legal Aid of Arkansas
Assigned to: Honorable P. K. Holmes, III
Case in other court: 8th Circuit Court of Appeals, 12-03981
Cause: 42:12101 Americans with Disabilities Act of 1990

Date Filed: 07/20/2011
Date Terminated: 11/06/2012
Jury Demand: None
Nature of Suit: 446 Civil Rights:
Americans with Disabilities – Other
Jurisdiction: Federal Question

Plaintiff**David Stebbins**

represented by **David Stebbins**
123 W. Ridge St.
Apt. D
Harrison, AR 72601
870-204-6516
PRO SE

V.

Defendant**Legal Aid of Arkansas**

represented by **J. David Dixon**
Davis, Clark, Butt, Carithers & Taylor,
PLC
P.O. Box 1688
19 East Mountain Street
Fayetteville, AR 72702
(479) 521-7600
Fax: (479) 521-7661
Email: ddixon@davis-firm.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Don Allen Taylor

Davis, Wright, Clark, Butt & Carithers,
PLC
P.O. Drawer 1688
19 E. Mountain St.
Fayetteville, AR 72702-1688
(479) 521-7600
Fax: (479) 521-7661
Email: dtaylor@davis-firm.com
ATTORNEY TO BE NOTICED

Date Filed	#	Page	Docket Text
07/20/2011	<u>1</u>		

		COMPLAINT against Defendant Legal Aid of Arkansas, filed by David Stebbins.(sh) (Entered: 07/20/2011)
07/20/2011	<u>2</u>	MOTION for Leave to Proceed in forma pauperis by David Stebbins. Motions referred to James R. Marschewski.(sh) (Entered: 07/20/2011)
07/20/2011	<u>3</u>	MOTION for Service filed by David Stebbins. (sh) (Entered: 07/20/2011)
09/09/2011	<u>4</u>	NOTICE (USCA) that a PETITION FOR WRIT OF MANDAMUS has been filed as case number 11-2950, in the 8th Circuit Court of Appeals by David Stebbins (Attachments: # <u>1</u> USCA Letter)(jn) (Entered: 09/09/2011)
09/12/2011	<u>5</u>	AMENDED COMPLAINT as to <u>1</u> Complaint against Legal Aid of Arkansas, filed by David Stebbins. Related document: <u>1</u> Complaint filed by David Stebbins.(sh) (Entered: 09/12/2011)
09/13/2011	<u>6</u>	ORDER directing Plaintiff to file an amended complaint by September 30, 2011. The amended complaint should state responses to questions, as set out in this order. Signed by Honorable James R. Marschewski on September 13, 2011. (sh) (Entered: 09/13/2011)
09/27/2011	<u>7</u>	NOTICE of Change of Address for David Stebbins. There are no documents to resend. (sh) (Entered: 09/27/2011)
09/27/2011	<u>8</u>	AMENDED COMPLAINT as to <u>1</u> original Complaint, and <u>5</u> first Amended Complaint, filed by David Stebbins.(sh) (Entered: 09/27/2011)
09/29/2011	<u>9</u>	JUDGMENT/MANDATE (USCA) RE PETITION FOR WRIT OF MANDAMUS denying as to <u>4</u> Petition for Writ of Mandamus Notice (USCA) filed by David Stebbins (Attachments: # <u>1</u> USCA Judgment)(jn) (Entered: 09/29/2011)
10/06/2011	<u>10</u>	ORDER DIRECTING SERVICE on Legal Aid of Arkansas and granting 21 days to answer. Signed by Honorable James R. Marschewski on October 6, 2011. (cc: U.S. Marshals Service-Certified).(rw) (Entered: 10/06/2011)
10/06/2011		1 USM285 Form Delivered to USMS re <u>10</u> Order Directing Service. (rw) (Entered: 10/06/2011)
10/13/2011	<u>11</u>	MOTION to Amend, <u>1</u> Complaint and <u>8</u> Amended Complaint by David Stebbins. (lw) (Entered: 10/13/2011)
10/13/2011		TEXT ONLY ORDER granting <u>11</u> Motion to Amend Complaint. Signed by Honorable Jimm Larry Hendren on October 13, 2011. (kcg) (Entered: 10/13/2011)
10/20/2011	<u>12</u>	USM/285 – SUMMONS Returned Executed by David Stebbins. Legal Aid of Arkansas served on 10/14/2011, answer due 11/4/2011. (lw) (Entered: 10/20/2011)
11/02/2011	<u>13</u>	NOTICE of Appearance by J. David Dixon on behalf of Legal Aid of Arkansas. (Dixon, J.) (Entered: 11/02/2011)
11/02/2011	<u>14</u>	MOTION for Extension of Time to File Answer re <u>8</u> Amended Complaint by Legal Aid of Arkansas. (Dixon, J.) (Entered: 11/02/2011)
11/02/2011		TEXT ONLY MEMO OF REASSIGNMENT. Case Reassigned to

		Honorable P. K. Holmes, III. Honorable Jimm Larry Hendren no longer assigned to the case. (mfr) (Entered: 11/02/2011)
11/03/2011		TEXT ONLY ORDER granting <u>14</u> Motion for Extension of Time to Answer re <u>8</u> Amended Complaint. Legal Aid of Arkansas answer due 11/25/2011.Signed by Honorable P. K. Holmes, III on November 3, 2011. (jas) (Entered: 11/03/2011)
11/03/2011	<u>15</u>	RESPONSE to Defendant's Motion <u>14</u> , for Extension of Time to File Answer re <u>8</u> Amended Complaint filed by David Stebbins. (sh) (Entered: 11/03/2011)
11/22/2011	<u>16</u>	ANSWER to <u>8</u> Amended Complaint by Legal Aid of Arkansas.(Dixon, J.) (Entered: 11/22/2011)
11/22/2011	<u>17</u>	INITIAL SCHEDULING ORDER: Rule 26 Meeting Report due by 1/31/2012. Final Scheduling Order issue date 2/20/2012. Bench Trial set for 11/5/2012 at 09:00 AM in Harrison — 2nd flr (Rm 231) before Honorable P. K. Holmes, III.Signed by Jane Ann Short, Courtroom Deputy for Honorable P. K. Holmes, III on November 22, 2011. Copy of Initial Scheduling Order mailed to pro se plaintiff. (jas) (Entered: 11/22/2011)
11/28/2011	<u>18</u>	MOTION for Declaratory Relief filed by David Stebbins. (sh) (Entered: 11/28/2011)
12/05/2011	<u>19</u>	NOTICE of Appearance by Don Allen Taylor on behalf of Legal Aid of Arkansas. (Taylor, Don) (Entered: 12/05/2011)
12/07/2011	<u>20</u>	RESPONSE to Motion re <u>18</u> MOTION for Relief filed by Legal Aid of Arkansas. (Dixon, J.) (Entered: 12/07/2011)
12/07/2011	<u>21</u>	MEMORANDUM BRIEF in Support of <u>20</u> Response to Motion by Legal Aid of Arkansas. (Dixon, J.) (Entered: 12/07/2011)
01/09/2012	<u>22</u>	NOTICE of Change of Address for David Stebbins. There are no documents to resend. (adw) (Entered: 01/09/2012)
01/09/2012	<u>23</u>	MOTION to Suspend Proceedings by David Stebbins. (adw) (Entered: 01/09/2012)
01/19/2012	<u>24</u>	RESPONSE to Motion re <u>23</u> MOTION to Stay <i>Proceedings</i> filed by Legal Aid of Arkansas. (Dixon, J.) (Entered: 01/19/2012)
01/19/2012	<u>25</u>	MEMORANDUM BRIEF in Support of <u>24</u> Response to Motion <i>to Suspend Proceedings</i> by Legal Aid of Arkansas. (Dixon, J.) (Entered: 01/19/2012)
01/24/2012		TEXT ONLY ORDER denying <u>23</u> Plaintiff's Motion to Stay or Suspend Proceedings. The Court declines to stay the proceedings as Plaintiff is not prevented from continuing to litigate this action. If Plaintiff wishes to voluntarily non-suit his case he may file a motion under Fed. R. Civ. P. 41(a)(2). Signed by Honorable P. K. Holmes, III on January 24, 2012. (jlg) (Entered: 01/24/2012)
01/24/2012		TEXT ONLY ORDER REFERRING MOTION: <u>18</u> MOTION for Declaratory Relief filed by David Stebbins. Signed by Honorable P. K. Holmes, III on January 24, 2012. Motions referred to Honorable James R. Marschewski.(jlg) (Entered: 01/24/2012)

01/24/2012	<u>26</u>	REPLY to Response to Motion re <u>23</u> MOTION to Stay filed by David Stebbins. (src) (Entered: 01/24/2012)
01/24/2012	<u>27</u>	MOTION to Appoint Counsel by David Stebbins. (src) (Entered: 01/24/2012)
01/24/2012		TEXT ONLY ORDER REFERRING MOTION: <u>27</u> MOTION to Appoint Counsel filed by David Stebbins. Signed by Honorable P. K. Holmes, III on January 24, 2012. Motions referred to Honorable James R. Marschewski.(jlg) (Entered: 01/24/2012)
01/31/2012	<u>28</u>	REPORT of Rule 26(f) Planning Meeting by Legal Aid of Arkansas. (Dixon, J.) (Entered: 01/31/2012)
01/31/2012	<u>29</u>	FINAL SCHEDULING ORDER: Bench Trial set for 11/5/2012 at 09:00 AM in Harrison -- 2nd flr (Rm 231) before Honorable P. K. Holmes, III. Signed by Jane Ann Short, Courtroom Deputy for Honorable P. K. Holmes, III on January 31, 2012. Copy of order mailed to non-CM/ECF participant. (jas) (Entered: 01/31/2012)
02/02/2012	<u>30</u>	CERTIFICATE OF SERVICE regarding service of Discovery by David Stebbins. (adw) (Entered: 02/02/2012)
02/06/2012	<u>31</u>	ORDER denying <u>27</u> Motion to Appoint Counsel; and denying <u>18</u> Motion for Declaratory Relief. Signed by Honorable James R. Marschewski on February 6, 2012. (lw) (Entered: 02/06/2012)
02/22/2012	<u>32</u>	CERTIFICATE OF SERVICE regarding discovery by David Stebbins. (adw) (Entered: 02/22/2012)
02/23/2012	<u>33</u>	MOTION for default or in the alternative for Sanctions or in the alternative to Compel further cooperation by David Stebbins. (rw) (Entered: 02/23/2012)
02/28/2012	<u>34</u>	RESPONSE to Motion re <u>33</u> MOTION for default MOTION for Sanctions MOTION to Compel filed by Legal Aid of Arkansas. (Attachments: # <u>1</u> Exhibit Correspondence to Plaintiff, # <u>2</u> Exhibit Initial Disclosures, # <u>3</u> Exhibit Letter from Plaintiff)(Dixon, J.) (Entered: 02/28/2012)
02/28/2012	<u>35</u>	MEMORANDUM BRIEF in Support of <u>34</u> Response to Motion, by Legal Aid of Arkansas. (Dixon, J.) (Entered: 02/28/2012)
02/28/2012	<u>36</u>	SUPPLEMENT by Plaintiff David Stebbins to <u>33</u> MOTION for default MOTION for Sanctions MOTION to Compel. (rw) (Entered: 02/28/2012)
03/06/2012	<u>37</u>	MOTION for Partial Summary Judgment by David Stebbins. (tg) (Entered: 03/06/2012)
03/06/2012	<u>38</u>	MEMORANDUM BRIEF in Support of <u>37</u> MOTION for Partial Summary Judgment by David Stebbins. (sh) (Entered: 03/06/2012)
03/06/2012	<u>39</u>	STATEMENT OF FACTS in support of <u>37</u> MOTION for Partial Summary Judgment by David Stebbins. (sh) (Entered: 03/06/2012)
03/06/2012	<u>40</u>	SUPPLEMENT to <u>33</u> MOTION for default, MOTION for Sanctions MOTION to Compel, filed by David Stebbins. (sh) (Entered: 03/06/2012)

03/06/2012	<u>41</u>	REPLY to Response to Motion <u>34</u> filed by David Stebbins. (sh) (Entered: 03/06/2012)
03/13/2012	<u>42</u>	RESPONSE to Motion re <u>33</u> MOTION for default MOTION for Sanctions MOTION to Compel filed by Legal Aid of Arkansas. (Attachments: # <u>1</u> Exhibit Initial Disclosures of Defendant, # <u>2</u> Exhibit Defendant's Responses to Pltf Rogs, # <u>3</u> Exhibit Correspondence to Plaintiff)(Dixon, J.) (Entered: 03/13/2012)
03/13/2012	<u>43</u>	MEMORANDUM BRIEF in Support of <u>42</u> Response to Motion, by Legal Aid of Arkansas. (Dixon, J.) (Entered: 03/13/2012)
03/14/2012		MOTIONS REFERRED: <u>33</u> MOTION for default MOTION for Sanctions MOTION to Compel, <u>37</u> MOTION for Partial Summary Judgment. Motions referred to Honorable James R. Marschewski.(ee) (Entered: 03/14/2012)
03/15/2012	<u>44</u>	CERTIFICATE OF SERVICE of request for admissions by David Stebbins. (adw) (Entered: 03/15/2012)
03/15/2012	<u>45</u>	MOTION to Strike <u>41</u> Reply of Plaintiff by Legal Aid of Arkansas. (Dixon, J.) (Entered: 03/15/2012)
03/15/2012	<u>46</u>	MEMORANDUM BRIEF in Support of <u>45</u> MOTION to Strike <u>41</u> Reply of Plaintiff by Legal Aid of Arkansas. (Dixon, J.) (Entered: 03/15/2012)
03/20/2012		Mail Returned as Undeliverable marked RTS – No longer here. Mail originally sent to David Stebbins at 5800 Law Drive, Harrison, AR 72601 including <u>44</u> Certificate of Service filed by David Stebbins. No New address available. (adw) (Entered: 03/20/2012)
03/20/2012	<u>47</u>	RESPONSE to Motion re <u>37</u> MOTION for Partial Summary Judgment filed by Legal Aid of Arkansas. (Attachments: # <u>1</u> Exhibit A – Letter from Legal Aid to Stebbins, # <u>2</u> Exhibit B – Letter from Stebbins to Legal Aid, # <u>3</u> Exhibit C – Letter from Legal Aid to Stebbins, # <u>4</u> Exhibit D – Letter from Stebbins to Legal Aid, # <u>5</u> Exhibit E – Plaintiff's Response to Interrogatory, # <u>6</u> Exhibit F – Letter from Legal Aid to Stebbins, # <u>7</u> Exhibit G – Affidavit of W. Marshall Prettyman)(Dixon, J.) (Entered: 03/20/2012)
03/20/2012	<u>48</u>	MEMORANDUM BRIEF in Support of <u>47</u> Response to Motion,, by Legal Aid of Arkansas. (Dixon, J.) (Entered: 03/20/2012)
03/20/2012	<u>49</u>	STATEMENT OF FACTS in support of <u>47</u> Response to Motion,, by Legal Aid of Arkansas. (Dixon, J.) (Entered: 03/20/2012)
03/23/2012	<u>50</u>	NOTICE of Change of Address for David Stebbins. new address is 123 W. Ridge St., APT D, Harrison, AR 72601 as provided by the Plaintiff.(sh) (sh). Modified on 3/26/2012 to edit text (rw). (Entered: 03/23/2012)
03/30/2012	<u>51</u>	REPLY to Response to Motion re <u>37</u> MOTION for Partial Summary Judgment filed by David Stebbins. (lw) (Entered: 03/30/2012)
04/03/2012	<u>52</u>	MOTION for Partial Summary Judgment by Legal Aid of Arkansas. (Attachments: # <u>1</u> Exhibit A –Letter from Legal Aid to Stebbins, # <u>2</u> Exhibit B – Letter from Stebbins to Legal Aid, # <u>3</u> Exhibit C – Letter from Legal Aid to Stebbins, # <u>4</u> Exhibit D – Letter from Stebbins to Legal Aid, # <u>5</u> Exhibit E – Plaintiff's Response to Defendant's Interrogatory, # <u>6</u> Exhibit F – Letter

		from Legal Aid to Stebbins, # <u>7</u> Exhibit G – Affidavit of Marshall Prettyman, # <u>8</u> Exhibit H – Plaintiff's Response to Defendant's Interrogatory, # <u>9</u> Exhibit I – Order of Dismissal)(Dixon, J.) (Entered: 04/03/2012)
04/03/2012	<u>53</u>	MEMORANDUM BRIEF in Support of <u>52</u> MOTION for Partial Summary Judgment by Legal Aid of Arkansas. (Dixon, J.) (Entered: 04/03/2012)
04/03/2012	<u>54</u>	STATEMENT OF FACTS in support of <u>52</u> MOTION for Partial Summary Judgment by Legal Aid of Arkansas. (Dixon, J.) (Entered: 04/03/2012)
04/10/2012	<u>55</u>	MOTION for Protective Order <i>and Sanctions</i> by Legal Aid of Arkansas. (Attachments: # <u>1</u> Exhibit A – Letter from Defendant's counsel to Plaintiff, # <u>2</u> Exhibit B – Plaintiff's First Set of Rogs and RFP, # <u>3</u> Exhibit C – Plaintiff's Second Set of Rogs, # <u>4</u> Exhibit D – Plaintiff's RFA, # <u>5</u> Exhibit E – Letter from Plaintiff to Defendant's Counsel, # <u>6</u> Exhibit F – Letter from Plaintiff to Defendant's Counsel, # <u>7</u> Exhibit G – Letter from Plaintiff to Defendant's Counsel, # <u>8</u> Exhibit H – Letter from Plaintiff to Defendant's Counsel, # <u>9</u> Exhibit I – Letter from Defendant's Counsel to Plaintiff, # <u>10</u> Exhibit J – Letter from Defendant's Counsel to Plaintiff)(Dixon, J.) (Entered: 04/10/2012)
04/10/2012	<u>56</u>	MEMORANDUM BRIEF in Support of <u>55</u> MOTION for Protective Order <i>and Sanctions</i> by Legal Aid of Arkansas. (Dixon, J.) (Entered: 04/10/2012)
04/16/2012	<u>57</u>	RESPONSE to re <u>55</u> MOTION for Protective Order <i>and Sanctions</i> filed by David Stebbins. (rw) (Entered: 04/16/2012)
04/17/2012		MOTIONS REFERRED: <u>55</u> MOTION for Protective Order <i>and Sanctions</i> . Motions referred to Honorable James R. Marschewski.(jas) (Entered: 04/17/2012)
04/23/2012	<u>58</u>	MOTION for Partial Summary Judgment by David Stebbins. (src) (Entered: 04/23/2012)
04/23/2012	<u>59</u>	MEMORANDUM BRIEF in Support of <u>58</u> MOTION for Partial Summary Judgment by David Stebbins. (src) (Entered: 04/23/2012)
04/23/2012	<u>60</u>	STATEMENT OF FACTS in support of <u>57</u> Response to Motion by David Stebbins. (src) (Entered: 04/23/2012)
04/23/2012		MOTIONS REFERRED: <u>45</u> MOTION to Strike <u>41</u> Reply of Plaintiff, <u>52</u> MOTION for Partial Summary Judgment, <u>58</u> MOTION for Partial Summary Judgment. Motions referred to Honorable James R. Marschewski.(ee) (Entered: 04/23/2012)
04/30/2012	<u>61</u>	RESPONSE to <u>52</u> MOTION for Partial Summary Judgment filed by David Stebbins. (rw) (Entered: 04/30/2012)
04/30/2012	<u>62</u>	RESPONSE to Motion re <u>58</u> MOTION for Partial Summary Judgment filed by Legal Aid of Arkansas. (Attachments: # <u>1</u> Exhibit A – Plaintiff's RFA, # <u>2</u> Exhibit B – Court Notice re Change of Address, # <u>3</u> Exhibit C – Defendant's Responses to Plaintiff's RFA, # <u>4</u> Exhibit D – Correspondence from Defendant's counsel to Plaintiff, # <u>5</u> Exhibit E – Letter from Defendant's counsel to Plaintiff)(Dixon, J.) (Entered: 04/30/2012)
04/30/2012	<u>63</u>	MEMORANDUM BRIEF in Support of <u>62</u> Response to Motion, <i>for Partial</i>

			<i>Summary Judgment</i> by Legal Aid of Arkansas. (Dixon, J.) (Entered: 04/30/2012)
04/30/2012	<u>64</u>		STATEMENT OF FACTS in support of <u>62</u> Response to Motion, <i>for Partial Summary Judgment</i> by Legal Aid of Arkansas. (Dixon, J.) (Entered: 04/30/2012)
05/02/2012	<u>65</u>		REPLY to Response to Motion re <u>52</u> MOTION for Partial Summary Judgment filed by Legal Aid of Arkansas. (Dixon, J.) (Entered: 05/02/2012)
05/03/2012	<u>66</u>		REPLY to Response to <u>58</u> MOTION for Partial Summary Judgment filed by David Stebbins. (rw) (Entered: 05/03/2012)
07/02/2012	<u>67</u>		ORDER denying <u>33</u> Motion for default, sanctions or to compel; granting <u>45</u> Motion to Strike and the reply brief <u>41</u> will not be considered and is stricken ; granting <u>55</u> Motion for Protective Order as set forth. Signed by Honorable James R. Marschewski on July 2, 2012. (rw) (Entered: 07/02/2012)
07/11/2012	<u>68</u>		MOTION for Sanctions by Legal Aid of Arkansas. (Attachments: # <u>1</u> Exhibit A – Notice of Deposition, # <u>2</u> Exhibit B – Email Correspondence, # <u>3</u> Exhibit C – Deposition Transcript)(Dixon, J.) (Entered: 07/11/2012)
07/11/2012	<u>69</u>		MEMORANDUM BRIEF in Support of <u>68</u> MOTION for Sanctions by Legal Aid of Arkansas. (Dixon, J.) (Entered: 07/11/2012)
07/16/2012	<u>70</u>		RESPONSE to <u>68</u> MOTION for Sanctions and Incorporated Adverse Motion for Sanctions filed by David Stebbins. (Attachments: # <u>1</u> Exhibit A – Email dated 7/5/12, # <u>2</u> Exhibit B – Yahoo Calendar, # <u>3</u> Exhibit C – Second Motion to compel, # <u>4</u> Exhibit D – Email Response dated 7/5/12)(rw) (Entered: 07/16/2012)
07/23/2012	<u>71</u>		MOTION for Protective Order filed by David Stebbins. (sh) (Entered: 07/23/2012)
08/01/2012	<u>72</u>		NOTICE of Change of Address for David Stebbins. There are no documents to resend. (src) (Entered: 08/01/2012)
09/06/2012	<u>73</u>		MOTION for Partial Summary Judgment by Legal Aid of Arkansas. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J)(Dixon, J.) (Entered: 09/06/2012)
09/06/2012	<u>74</u>		MEMORANDUM BRIEF in Support of <u>73</u> MOTION for Partial Summary Judgment by Legal Aid of Arkansas. (Dixon, J.) (Entered: 09/06/2012)
09/06/2012	<u>75</u>		STATEMENT OF FACTS in support of <u>73</u> MOTION for Partial Summary Judgment by Legal Aid of Arkansas. (Dixon, J.) (Entered: 09/06/2012)
09/10/2012	<u>76</u>		ORDER denying defendant's <u>68</u> Motion for Sanctions as set forth; denying plaintiff's <u>71</u> Motion for Protective Order; further the District Court Clerk is directed to send a copy of this Order to the Sheriff Danny Hickman, Boone County Jail, 5800 Law Drive, Harrison, AR 72601; further Order should sent to the Sheriff by certified mail with return receipt requested and plaintiff shall be allowed to have his legal materials relating to this case in his possession during the deposition. Signed by Honorable James R. Marschewski on September 10, 2012. (rw) (Entered: 09/10/2012)

09/10/2012	<u>77</u>	REPORT AND RECOMMENDATIONS re <u>52</u> MOTION for Partial Summary Judgment filed by Legal Aid of Arkansas, <u>37</u> MOTION for Partial Summary Judgment filed by David Stebbins, <u>58</u> MOTION for Partial Summary Judgment filed by David Stebbins. Objections to RRdue by 9/27/2012. Signed by Honorable James R. Marschewski on September 10, 2012. (lw) (Entered: 09/10/2012)
09/12/2012	<u>78</u>	Remark: Certified Receipt Returned executed on 9/11/12 as to Sheriff Danny Hickman re <u>76</u> Order. (rw) (Entered: 09/12/2012)
09/13/2012	<u>79</u>	OBJECTION to <u>77</u> Report and Recommendations by David Stebbins. (sh) (Entered: 09/13/2012)
09/14/2012	<u>80</u>	OBJECTION to <u>77</u> Report and Recommendations by Legal Aid of Arkansas. (Dixon, J.) (Entered: 09/14/2012)
09/18/2012	<u>81</u>	NOTICE of Change of Address for David Stebbins. There are no documents to resend. (adw) (Entered: 09/18/2012)
10/15/2012	<u>82</u>	PRETRIAL DISCLOSURE SHEET by Legal Aid of Arkansas. (Dixon, J.) (Entered: 10/15/2012)
10/17/2012	<u>83</u>	MOTION of Non-Suit by David Stebbins. (lw) (Entered: 10/17/2012)
10/25/2012	<u>84</u>	MOTION for Extension of Time to File <i>Trial Brief</i> by Legal Aid of Arkansas. (Dixon, J.) (Entered: 10/25/2012)
10/26/2012		TEXT ONLY ORDER granting <u>84</u> Motion for Extension of Time to File Trial Brief. Further, this case will be removed from the Court's trial docket for November 5, 2012. The case will be reset for trial, if necessary, upon resolution of the currently-pending motions. Signed by Honorable P. K. Holmes, III on October 26, 2012. (jlg) (Entered: 10/26/2012)
10/26/2012		TEXT ONLY ORDER canceling bench trial set for 11/5/2012. Signed by Honorable P. K. Holmes, III on October 26, 2012. (jas) (Entered: 10/26/2012)
10/31/2012	<u>85</u>	RESPONSE in Opposition re <u>83</u> MOTION to Dismiss filed by Legal Aid of Arkansas. (Attachments: # <u>1</u> Exhibit A – Richardson Affidavit, # <u>2</u> Exhibit B – Davis Affidavit)(Dixon, J.) (Entered: 10/31/2012)
10/31/2012	<u>86</u>	MEMORANDUM BRIEF in Support of <u>85</u> Response in Opposition to Motion by Legal Aid of Arkansas. (Dixon, J.) (Entered: 10/31/2012)
11/02/2012	<u>87</u>	REPLY to Response to Motion re <u>83</u> MOTION to Dismiss filed by David Stebbins. (jn) (Entered: 11/02/2012)
11/06/2012	<u>88</u>	ORDER ADOPTING <u>77</u> Report and Recommendations, as set forth. Signed by Honorable P. K. Holmes, III on November 6, 2012. (rw) (Entered: 11/06/2012)
11/06/2012	<u>89</u>	JUDGMENT adopting the Magistrate's <u>77</u> Report and Recommendation and granting defendant's <u>52</u> Motion for Partial Summary Judgment and Mr. Stebbins' two Motions for Partial Summary Judgment <u>37</u> and <u>58</u> are denied; further ordered that defendant's <u>73</u> Second Motion for Partial Summary Judgment is granted and Mr. Stebbins' <u>83</u> Motion to Non-Suit is denied; further ordered that Mr. Stebbins' case is dismissed with prejudice and each

			party is to bear its own costs and fees. Signed by Honorable P. K. Holmes, III on November 6, 2012. (rw) (Entered: 11/06/2012)
12/03/2012	<u>90</u>		NOTICE OF APPEAL as to <u>89</u> Judgment, by David Stebbins. (cc via CM/ECF: Don Allen Taylor and J. David Dixon, via U.S. Postal Service: David Stebbins) (lw) (Entered: 12/03/2012)
12/03/2012	<u>91</u>		MOTION for Leave to Appeal in forma pauperis by David Stebbins. (lw) (Entered: 12/03/2012)
12/03/2012			MOTIONS REFERRED: <u>91</u> MOTION for Leave to Appeal in forma pauperis. Motions referred to Honorable James R. Marschewski.(lw) (Entered: 12/03/2012)
12/03/2012	<u>92</u>		APPEAL NOTICE to Counsel and Pro Se Parties re <u>90</u> Notice of Appeal filed by David Stebbins. (lw) (Entered: 12/03/2012)
12/06/2012	<u>93</u>		ORDER granting <u>91</u> Motion for Leave to Appeal in forma pauperis.. Signed by Honorable James R. Marschewski on December 6, 2012. (rw) (Entered: 12/06/2012)
12/14/2012	<u>94</u>		NOA SUPPLEMENT FORM re <u>90</u> Notice of Appeal filed by David Stebbins. (jn) (Entered: 12/14/2012)
12/18/2012	<u>95</u>		USCA Scheduling Order as to <u>90</u> Notice of Appeal filed by David Stebbins. Case Appealed to 8th Circuit Court of Appeals Case Number 12-3981. (Attachments: # <u>1</u> Cover Letter)(lw) (Entered: 12/18/2012)
06/12/2013	<u>96</u>		MANDATE of USCA affirming district court decision as to <u>90</u> Notice of Appeal filed by David Stebbins (Attachments: # <u>1</u> USCA Opinion, # <u>2</u> USCA Judgment, # <u>3</u> USCA Letter)(jn) (Entered: 06/12/2013)
07/02/2013	<u>97</u>		MOTION to Set Aside Judgment and to Disqualify Judge by David Stebbins. (rw) (Entered: 07/02/2013)
07/03/2013	<u>98</u>	10	ORDER DENYING <u>97</u> Motion to Set Aside Judgment.and DENYING <u>97</u> Motion to Disqualify Judge. Signed by Honorable P. K. Holmes, III on July 3, 2013. Copy of order mailed to non CM/ECF participant. (jas) (Entered: 07/03/2013)
07/16/2013	<u>99</u>	12	NOTICE OF APPEAL as to <u>98</u> Order on Motion to Set Aside Judgment, Order on Motion to Disqualify Judge by David Stebbins. (cc via CM/ECF: J. David Dixon, Don Taylor; via U.S. Postal Service: David Stebbins) (Attachments: # <u>1</u> Application to proceed IFP)(jn) (Entered: 07/16/2013)
07/16/2013	<u>100</u>		APPEAL NOTICE to Counsel and Pro Se Parties re <u>99</u> Notice of Appeal, filed by David Stebbins. (jn) (Entered: 07/16/2013)
07/16/2013	<u>101</u>	19	NOA SUPPLEMENT FORM re <u>99</u> Notice of Appeal, filed by David Stebbins. (jn) (Entered: 07/16/2013)

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HARRISON DIVISION

DAVID A. STEBBINS

PLAINTIFF

v.

Case No. 3:11-CV-03057

LEGAL AID OF ARKANSAS

DEFENDANT

ORDER

Currently before the Court is Plaintiff David Stebbins's Motion to Set Aside Judgment and to Disqualify Judge. (Doc. 97).

The Court, having reviewed Mr. Stebbins's motion, finds that it should be denied. Mr. Stebbins argues that Magistrate Judge James Marschewski has demonstrated an animus against him by entering a report and recommendation in various of Mr. Stebbins's other cases filed in this District, recommending that Mr. Stebbins not be granted leave to proceed *in forma pauperis*. The Court cannot find that those reports and recommendations are evidence of an animus held by Judge Marschewski against Mr. Stebbins. Rather, they are Judge Marschewski's recommendations to this Court based on his review of the applicable law. The fact that Mr. Stebbins disagrees with or does not like Judge Marschewski's recommendations does not create grounds for disqualification. Mr. Stebbins has filed objections to those reports and recommendations, which will be considered by the Court.

Furthermore, this case was extensively litigated by the parties. Judgment was entered in favor of the Defendant, and that judgment has now been upheld on appeal. This case is closed. The Court finds that Mr. Stebbins has not provided a sufficient reason, under Federal Rule of Civil Procedure 60(b), for setting aside the judgment in this case.

IT IS THEREFORE ORDERED that Mr. Stebbins's Motion to Set Aside Judgment and to Disqualify Judge (Doc. 97) is DENIED.

IT IS SO ORDERED this 3rd day of July, 2013.

/s/ P. K. Holmes, III

P.K. HOLMES, III
CHIEF U.S. DISTRICT JUDGE

US DISTRICT COURT
WESTERN DIST ARKANSAS
FILED

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF ARKANSAS**

JUL 16 2013

DAVID STEBBINS

CHRIS R. JOHNSON, Clerk
By
PLAINTIFF
Deputy Clerk

VS

CASE NO. 11-3057

LEGAL AID OF ARKANSAS

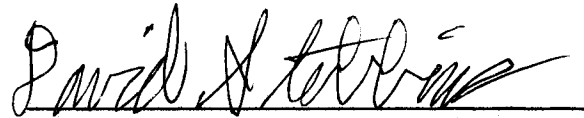
DEFENDANTS

NOTICE OF APPEAL

Plaintiff David Stebbins, *pro se*, hereby submits the following Notice of Appeal in the above-styled action:

The Court abused its discretion in refusing to recuse itself from the proceedings.

So notified this 15th day of July, 2013.



David Stebbins
123 W. Ridge St.,
APT D
Harrison, AR 72601
870-204-6516
stebbinsd@yahoo.com

David Stebbins
123 W. Ridge St.
APT D
Harrison, AR 72601



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U.S. District ~~Court~~
35. E. Mountain St.
Room 510
Fayetteville, AR 72701

U.S. COURT OF APPEALS - EIGHTH CIRCUIT
NOA SUPPLEMENT

Please note any additions or deletions to the style of the case from the style listed on the docket sheet or attach an amended docket sheet with the final style of the case.

Western District of Arkansas - HARRISON DIVISION

11-3057 STEBBINS vs. LEGAL AID OF ARKANSAS

Length of Trial: **NONE**

Financial Status: Fee Paid? Yes No **XX**

If NO, has IFP been granted? Yes **XX** No

Is there a pending motion for IFP? Yes No

Are there any other post-judgment motions? Yes No **XX**

Please identify the court reporter.

If no court reporter, please check **XXXX**

Name

Address

Telephone Number

CRIMINAL CASES ONLY:

Is the defendant incarcerated? Yes No

Place of confinement, if known:

Please list all other defendants in this case, if there were multiple defendants.

SPECIAL COMMENTS: